

MINUTES
PLANNING BOARD REGULAR BUSINESS MEETING
Thursday, March 8, 2007

Meeting was called to order at 7:00 PM

Members present were: Rene Wood (Chair), Bart Elsbach, Anthony Gulotta, B. Gillooly and Christopher Tomich.

Motion to Continue Bartzsches Special Permit Hearing to Thursday, April 5th at 8:00 PM was approved. This motion was based on the information that the Bartzsches are submitting an application to the ZBA. Please see attached copy of email on the subject from Sally Bell.

Review of Minutes: B. Gillooly moved to accept the Minutes for the Planning Board's General Business Meeting on 2/27/07 as amended. The motion was seconded and approved.

C. Tomich moved to accept, as amended, the minutes taken on 2/27/07 for the Special Permit Hearing on Kurt, Lisa and Scott Bartzsch's Special Permit Application.

Deliberations continued on Sumac Nominee Realty Trust Special Permit Application: The entire special permit application was reviewed, including suggested decision criteria provided by the applicant's attorney. The Building Inspector's letter of decision re: "grandfathered" parking was reviewed as well as the new site plan, noted as "rev. February 28, 2007," submitted by the applicant at the board's request. The applicant's attorney, Susan Smith, was present and provided information to the board on several matters. The board noted information and dates for inclusion in the Detailed Record.

The board developed conditions and, by unanimous vote, attached the following conditions to this Special Permit:

1. While this application is for a major commercial development, the current site plan and specifications submitted and approved by this decision cover one building of approximately 3,000 square feet. Any subsequent development on this site, which expands beyond the current structure and footprint, shall be subject to a site plan review by the Planning Board as SPGA, prior to any construction commencing. Such a site plan review is to help ensure the major commercial development continues to be in keeping with the town's character and is consistent with the environmental and siting objectives of the town.

2. A Detailed Development Analysis will be required if and when this major commercial development involves the proposed construction or occupancy of 10,000 or more square feet of gross floor area. In this major commercial development, the square footage of the existing structure and subsequent structures will be cumulative in reaching the square feet of gross floor area required for a Detailed Development Analysis.
3. The applicant shall erect a barrier, such as a curb, to ensure that no parking occurs in the setback area along the northern end of the parking area, as per the site plan noted as “rev. February 28, 2007”.
4. No invasive species shall be used in any landscaping.
5. All exterior lighting shall conform to the International Dark Sky standards (www.darksky.org).
6. All above ground tanks shall be shielded from the view of any abutting property and the public way.

No waivers were requested in this application and none are granted.

The board as the Special Permit Granting Authority (SPGA) voted as follows on this Special Permit application, subject to the previously approved conditions.

Bart Elsbach:	Grant
William Gillooly:	Grant
Anthony Gulotta:	Grant
Christopher Tomich:	Grant
Rene Wood:	Grant

The vote to grant the Special Permit application, subject to the above conditions, was unanimous (5-0).

It was agreed that R. Wood would write up the Detailed Record and get it to board members for review and comment, in particular if she had worded the conditions correctly. The goal was to have the Notice of Decision available for signatures during the week of March 12th.

Deliberations on Cog Brewing’s Special Permit Application: The entire special permit application was reviewed, including suggested decision criteria provided by the applicant’s attorney and a letter from the applicant’s attorney dated February 20, 2007, which included the requested interior floor plan, notice that the applicant would locate the cold storage cooler within the leased portion of the building and that no propane tanks will be located within the side yard setbacks. The applicants were present during deliberations and provided information to the board

on several matters that had been discussed during the public hearing. The board noted information and dates for inclusion in the Detailed Record.

(The board just prior to this deliberation had completed its deliberations on the special permit application from Sumac Nominee Realty Trust which, as the property owner, had covered matters related to the overall building in which Cog Brewing will lease space.)

It was noted that the SPGA received no letters from the public or those to whom the Notice of Public Hearing was sent or delivered.

It was reviewed that SPGA members present during the public hearing and all deliberations were: Bart Elsbach, Anthony Gulotta, Christopher Tomich and Rene Wood and that William Gillooly, who was not present during the public hearing on February 6, 2007, had submitted the required certification letter.

During its deliberations, the SPGA reviewed and/or discussed the following information for its findings:

1. Sumac Nominee Realty Trust owns the property located at 534 South Main Street, Sheffield, MA. It is in the Commercial District. A commercial structure of approximately 3,000 sq. feet currently exists on the property. Cog Brewing seeks to occupy the front part of this building, approximately 700 sq. feet for the purpose of light manufacturing, namely a microbrewery. Light manufacturing is a use permitted by special permit under Section 3.1.3.E.6. The proposed use is appropriate to the site, (subject to finding # 2 having no appeal made during the 20-day appeal period). The proposed use is of low impact and a positive business for the Commercial District.
2. Sumac Nominee Realty Trust, the property owner, has filed an application for a special permit for the proposed use of the property as a major commercial development, a use permitted in the Commercial District under Section 3.1.3.D.15, so as to lease space in this building, per their attorney comments earlier in this meeting. That application included lighting, landscaping, parking, water, sewage, signage, utilities and other issues related to the total building. (That special permit, with conditions, was granted on March 8, 2007. It is anticipated the Notice of Decision and Detailed Record will be filled with the Town Clerk during the week of March 12, 2007.)
3. The applicants reviewed their required licensing to run a microbrewery and stated they will obtain all necessary licenses and permits.
4. The cold storage cooler will be located within the lease premises and could be secured.

The SPGA next reviewed the proposed use against the specifications of Section 7.2 Performance Standards for Light Manufacturing Uses, which requires that any light manufacturing uses permitted in the Table of Use Regulations be required to meet the following minimum

performance standards. During its deliberations and determination, the board reviewed all the evidence, documents and testimony presented against each of the following and found:

7.2.1 Noise: A maximum permitted sound level of 55 decibels (dB(A)) during the hours of 7 a.m. to 7 p.m. and 50 decibels (dB(A)) during the hours of 7 p.m. to 7 a.m. as measured at any point beyond the boundary line of the lot where the use is located. Intermittent, irregular noise and noise resulting from temporary construction activities occurring between the hours of 7 a.m. and 7 p.m. shall be exempt from the requirements of this section.

By unanimously vote (5-0) found that the light manufacturing use presented in Cog Brewing's application **MEETS** this minimum performance standard regarding Noise.

7.2.2 Vibration: No ground-transmitted vibration shall be perceptible to the human sense of touch measured at any point beyond boundary line of the lot where the use is located.

By unanimously vote (5-0) found that the light manufacturing use presented in Cog Brewing's application **MEETS** this minimum performance standard regarding Vibration.

7.2.3 Odor: No concentration in the air of a gas, vapor or particulate matter that can be detected by the olfactory systems of a panel of five (5) healthy unbiased observers on a calm day at any point beyond the boundary line of the lot where the use is located.

By unanimously vote (5-0) found that the light manufacturing use presented in Cog Brewing's application **MEETS** this minimum performance standard regarding Odor.

7.2.4 Smoke: As measured at the point of emission of the smoke, no light manufacturing use may emit from a vent, stack, chimney, or combustion process any smoke that exceeds a density, or equivalent capacity of Ringlemann No. 1, except that an emission that does not exceed a density or equivalent capacity of Ringlemann No. 2 is permissible for a duration of not more than four minutes during any eight-hour period if the source of such emission is not located within 250 feet of a Rural District.

By unanimously vote (5-0) found that the light manufacturing use presented in Cog Brewing's application **MEETS** this minimum performance standard regarding Smoke.

7.2.5 Electrical Interference: Such amount of electro-magnetic waves so as to cause, create, or contribute to the interference with electronic equipment (including radio, television and computers) located beyond the lot line of the lot where the use is located.

By unanimously vote (5-0) found that the light manufacturing use presented in Cog Brewing's application **MEETS** this minimum performance standard regarding Electrical Interference.

The proposed use, light manufacturing (microbrewery) was reviewed per the requirements of Section 9.4.2.2, Decision, which states that a Special Permit shall be granted only upon the

board's written determination that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site. During its deliberations and determination, the board reviewed all the evidence, documents and testimony presented against each of the following and found:

- 9.4.2.2.1: The Social, economic or community needs which may be served by the proposed use. The Planning Board unanimously found that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.
- 9.4.2.2.2: Traffic impact, flow and safety, parking and loading and accommodation to pedestrian and non-automotive transportation. The Planning Board unanimously found that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.
- 9.4.2.2.3: Adequacy of utilities and other public services. The Planning Board unanimously found that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.
- 9.4.2.2.4: Appropriateness to the proposed location, the neighborhood character and town land use objectives. The Planning Board unanimously found that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.
- 9.4.2.2.5: Environmental impacts, including, but not limited to, visual effects, noise, order, dust, vibration, fumes, smoke, light intrusion, glare, impacts on natural habitats, views, water pollution, erosion and sedimentation. The Planning Board unanimously found that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.
- 9.4.2.2.6: Potential fiscal impact, including impact on town services, tax base and employment. The Planning Board unanimously found that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.

By unanimous vote, the SPGA attached the following conditions to this Special Permit:

1. The cold storage cooler shall be independently locked.
2. No retail sales of any kind shall take place on the premise.

No waivers were granted.

In keeping with its authority, on March 8, 2007, the SPGA voted unanimously (5-0) to grant this Special Permit application, subject to the above conditions. SPGA members voted as follows:

Bart Elsbach:	Grant
William Gillooly:	Grant
Anthony Gulotta:	Grant
Christopher Tomich:	Grant
Rene Wood:	Grant

It was agreed that R. Wood would write up the Detailed Record and get it to board members for review and comment, in particular if she had worded the conditions correctly. The goal was to have the Notice of Decision available for signatures during the week of March 12th.

Attorney General's Review of by-laws adopted at Town Meeting on 12/4/06: The Board discussed the AG's review which can be found in the Town Clerk's office. R. Wood moved that the Board send the review to Bobrowski for his pro-bono comments. The motion was approved.

Zoning by-law Review Committee, proposed warrant articles: The Board discussed the proposed articles and the Board agreed to allow R. Wood to re-write the articles according to the concerns they raised and submit them to the Select Board. Notice will be arranged for the public hearing on the proposed warrant articles, which is set for April 5th at 8:30 PM.

Events: There will be a presentation on sub-divisions, which cross town lines next Thursday, March 15 at 8 PM. On March 17, there will be an all day seminar on planning in Worcester. On Thursday, March 29, there will be a dinner at Asters in Pittsfield on the topic of things that go awry when presenting zoning by-laws to towns. There was a motion that the Planning Board subsidize the \$15 charge for the BRPC dinner for Board members as well as for By-law review committee members who wish to attend and don't have other affiliations that will pay. The motion was approved.

Motion by B. Gillooly to pay the bill for the advertisement placed in the Berkshire Record for the Planning Board's Administrative Appeal to the ZBA

Bill Gillooly explained to the Board that he will not continue to be on the Board as of May when his current term expires. All board members thanked Bill for his service.

10:05 PM A. Gulotta moved to adjourn, the motion was seconded and approved.

Respectfully submitted,
Nadia Milleron
Planning Board Secretary
and Rene Wood, Chair